

ISRAEL TORRES,	)	Case No. 5:13-cv-01475-PSG
	)	
Plaintiff,	)	<b>VERDICT FORM</b>
v.	)	
	)	
CITY OF SANTA CLARA and	)	
TONY PARKER,	)	
	)	
Defendants.	)	
	)	

**VERDICT FORM**

**Part A.      LIABILITY**

**Section 1983 Claim – Excessive Force**

1. Did Tony Parker use excessive force against Israel Torres?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

**Section 1983 Claim – False Arrest**

2. Did Parker arrest Torres without probable cause to believe that Torres committed a criminal offense?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

If your answer to either Question 1 or 2, or both, is “Yes,” then please proceed to Question 3. If your answer to both Questions 1 and 2 is “No,” proceed directly to Question 5.

**California Civil Code Section 52.1 (Bane Act) Claim**

3. Did Parker use threats, intimidation, or coercion to interfere with Torres’ right to be free from excessive force or his right to be free from false arrest?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

If your answer to Question 3 is “Yes,” then please proceed to Question 4. If your answer to Question 3 is “No,” proceed directly to Question 5.

4. Was Parker’s conduct a substantial factor in causing harm to Torres?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

Please proceed to Question 5.

**Battery Claim**

5. Did Torres prove that Parker committed a battery against him?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

Please proceed to Question 6.

**False Arrest/False Imprisonment Claim**

6. Did Parker arrest Torres without reasonable cause to believe that Torres had committed a crime?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

If your answer to Question 6 is “Yes,” then please proceed to Question 7. If your answer to Question 6 is “No,” proceed directly to Question 8.

7. Was Parker’s conduct a substantial factor in causing harm to Torres?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

Please proceed to Question 8.

**Negligence Claim**

8. Was Parker negligent?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

If your answer to Question 8 is “Yes,” then please proceed to Question 9. If your answer to Question 8 is “No,” proceed directly to Part B.

9. Was Parker’s negligence a substantial factor in causing harm to Torres?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

If your answer to Question 9 is “Yes,” then please proceed to Question 10. If your answer to Question 9 is “No,” proceed directly to Part B.

10. Was Torres negligent?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

If your answer to Question 10 is “Yes,” then please proceed to Question 11. If your answer to Question 10 is “No,” proceed directly to Part B.

11. Was Torres’ negligence a substantial factor in causing his harm?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

If your answer to Question 11 is "Yes," then please proceed to Question 12. If your answer to Question 11 is "No," proceed directly to Part B.

12. What percentage of responsibility for Torres' harm do you assign to:

Parker: \_\_\_\_\_%

Torres: \_\_\_\_\_%

TOTAL: 100 %

Please proceed to Part B.

**Part B. DAMAGES**

If you answered "Yes" to any or all of Questions 1, 2, 4, 5, 7 or 9, please answer the following questions. Otherwise, stop here, answer no further questions, and have the foreperson sign and date this form.

13. What is the total amount of damages, if any, suffered by Torres in each category described below? Do not award duplicate damages for the same harm suffered from multiple claims.

Medical Expenses: \$ \_\_\_\_\_

Pain and Suffering: \$ \_\_\_\_\_

Emotional Distress: \$ \_\_\_\_\_

TOTAL: \$ \_\_\_\_\_

14. Did Torres use reasonable efforts to mitigate his damages?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

If your answer to Question 14 is "No," please proceed to Question 15. If your answer to Question 14 is "Yes," stop here, answer no further questions, and have the foreperson sign and date this form.

15. How much of Torres' damages could have been mitigated by Torres' reasonable efforts?

\$ \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUROR

After this verdict form has been signed and dated, notify the court that you are ready to present your verdict in the courtroom.

**IT IS SO ORDERED.**

Dated: September 4, 2014

  
PAUL S. GREWAL  
United States Magistrate Judge